

ARKANSAS SUPREME COURT

No. CR 08-1398

ALBERT LEE JOHNSON
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered April 2, 2009

PRO SE MOTIONS FOR COPY OF
RECORD ON APPEAL AND
EXTENSION OF TIME TO FILE
APPELLANT'S BRIEF [CIRCUIT
COURT OF PULASKI COUNTY, CR
2006-3489, CR 2006-3655]

MOTION FOR COPY TREATED AS
PETITION FOR WRIT OF
CERTIORARI AND MOTION FOR
ACCESS AND GRANTED IN PART
AND DENIED IN PART; MOTION FOR
EXTENSION OF TIME GRANTED IN
PART AND DENIED IN PART.

PER CURIAM

On January 7, 2008, appellant Albert Lee Johnson appeared in Pulaski County Circuit Court and entered negotiated pleas of guilty on charges in two separate cases, CR 2006-3489 and CR 2006-3655. The two judgments, both entered on January 16, 2008, reflect that appellant was convicted of two counts of aggravated robbery, two counts of first-degree battery, and a single count of possession of a firearm in CR 2006-3489 and two counts of aggravated robbery and one count of possession of a firearm in CR 2006-3655. Appellant received concurrent sentences for an aggregate term of 300 months' imprisonment.

Appellant timely filed in the trial court a single petition for postconviction relief under Arkansas Rule of Criminal Procedure 37.1 as to both matters. The petition was denied and appellant

has lodged an appeal of the order in this court. He filed the pending motions requesting a copy of the record on appeal, including certain specific items he lists, and an extension of time in which to file his brief.

In his Rule 37.1 petition, appellant set out as grounds for relief a claim of ineffective assistance of counsel for failure to seek a dismissal of the charges for speedy trial violations. The trial court based its ruling on the issue on exclusions it found for continuances and competency evaluations. In the motion before us, appellant contends that he requires a copy of the record to prepare his brief, and specifically indicates that he requires copies of the arrest reports on the charges, documents pertaining to his request to proceed *in forma pauperis* and appointment of counsel, documents pertaining to mental evaluations in the proceedings, motions for continuance and transcripts concerning those motions, and transcripts of any other hearings in the cases during certain periods of time.

The particular documents that appellant requests are not contained within the record now before us. In the interest of judicial economy, we will therefore treat the request for copies as a petition for writ of certiorari to bring up those documents and for access to the supplemented record.

Documents concerning appellant's arrest, as well as motions, orders and correspondence pertaining to continuances and competency evaluations, are clearly relevant to the foundation of the court's order. Transcripts of hearings discussing any continuance or competency evaluation motions would also be helpful to understand the final rulings on those issues and pertinent to any calculation of periods tolled for purposes of the speedy trial rule.

We grant the motion for writ of certiorari as to documents contained in the circuit court's file concerning appellant's arrest, and any motions, orders, and correspondence contained in the circuit

court's files pertaining to continuances and competency evaluations. We additionally grant the motion as to transcripts of any hearings pertaining to continuances and competency evaluations. To the extent that no transcripts have been prepared as to those hearings, we order that transcripts be prepared. We direct that a writ of certiorari be issued to the Pulaski County Circuit Court to complete and file a certified supplemental record containing any such transcripts and documents on file in the two cases with our clerk within ninety days of the date of this order.

The record is relevant to preparation of appellant's brief for his appeal. While we will not provide appellant with copies of the record at public expense, we will provide access to the record. Once any supplemental record is received, our clerk is directed to provide appellant with a copy of the record and supplemental record so that he may prepare his brief. We also grant appellant's motion for additional time to file his brief, although not for the ninety days he has requested. A new briefing schedule will be set providing appellant an additional forty days in which to file his brief from the date the supplemental record is filed and the record is provided to him. The copy of the record must be returned to this court when appellant's brief is tendered or the brief will not be filed.

Motion for copy treated as petition for writ of certiorari and motion for access and granted in part and denied in part; motion for extension of time granted in part and denied in part.